

EMBASSY OF THE
UNITED STATES OF AMERICA

*Agreement
Between the Government of the United States of America
and
The Government of the Republic of Guinea
Regarding the Surrender of Persons to the International Criminal Court*

The Government of the United States of America and the Government of the Republic of Guinea, hereinafter referred to as "the Parties;"

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity, and war crimes;

Recalling that the Rome Statute establishing the International Criminal Court, done at Rome on July 17, 1998, by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, is intended to complement and not supplant national criminal jurisdiction;

Considering that the Parties have each expressed their intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by their officials, employees, military personnel, or other nationals;

Considering Article 98 of the Rome Statute,

Hereby agree as follows:

1. *For purposes of this Agreement, "persons" are current or former government officials, contractors of both governments, military personnel, or nationals of one Party;*

2. *Persons of one Party present in the territory of the other shall not, absent the written consent of the first Party,*

(a) be surrendered or transferred by any means to the International Criminal Court for any purpose;

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(6) be surrendered or transferred by any means to another entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to the International Criminal Court.

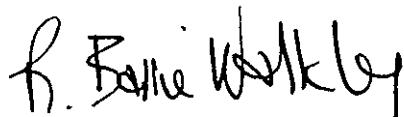
3. When the United States extradites, surrenders, or otherwise transfers a person of the Republic of Guinea to a third country, the United States will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the written consent of the Government of the Republic of Guinea.

4. When the Government of the Republic of Guinea extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, said government will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the written consent of the Government of the United States.

5. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It shall remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done at Conakry on 8/23, 2003, in duplicate in the English and French languages, both texts being equally authentic.

For the Government of the
United States of America:


H.E. R. Barrie Walkley

Ambassador.

For the Government of the
Republic of Guinea:


H.E. François Lonceny Fall
Minister of Foreign Affairs and
Cooperation.

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